

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH MEETING MINUTES\*

JULY 20, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members Present:

Ron Alvarado, Vice President

Anne Sheehan, Member

Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Laura Aguilera,  
Interim Executive Officer, State Personnel Board

The Board was advised of the following:

- A. The new executive officer, Floyd Shimomura will report on Monday, July 26, 2004.
- B. The Department of Personnel Administration announced that it had reached agreement with the California Correctional and Peace Officers Association over wage concessions saving the state \$108 million

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\* The State Personnel Board Summary Minutes can be obtained at the following Internet address: <http://www.spb.ca.gov/calendar.htm>

over the next two years. Under the agreement, 5% of the scheduled pay raise will be delayed until 1/1/05, and .9% will be delayed until 6/30/06.

- C. The Governor's Blue Ribbon Commission, chaired by former Governor George Deukmejian, has issued its study on the state's corrections system. The report contains over 292 recommendations, many of which impact the State Personnel Board functions and role.
  - D. The Department of Justice has announced that it may have to cut 118 lawyers and up to 167 support employees.
3. REPORT OF THE CHIEF COUNSEL – Elizabeth Stein, Staff Counsel, State Personnel Board, reported on the following:
- A. State Personnel Board (SPB) v. California State Employees' Association (Post & Bid) – The Board filed a response to the California Correctional Peace Officer's Association's amicus curiae brief. The case is now fully briefed and the parties await the scheduling of oral argument in the California Supreme Court.
  - B. California Attorneys in State Employment (CASE ) v. SPB/Department of Industrial Relations (Demand for release of candidates' names/rankings) - Board filed opposition to CASE's petition for writ of mandate. Hearing to be held on August 13, 2004 in Sacramento Superior Court.
  - C. Kimberly Arnold v SPB/California Department of Corrections (CDC) - Unpublished decision issued by the Third District Court of Appeal. The court upheld the Board's decision to sustain Arnolds' dismissal from CDC but determined that the Board erred in computing the award of damages for the Skelly violation. The court found that appellant should receive backpay from the effective date of the dismissal until the date of the Board's initial decision to adopt the Administrative Law Judge's Proposed Decision, notwithstanding the fact that the Board subsequently granted a petition for rehearing, reheard the matter, and issued a new decision. The court found that the initial decision of

the Board, though later vacated by the petition for rehearing, cured any due process violation and cut-off appellant's right to back-pay.

- D. Jerald B. Elliott v. SPB/California State University -  
The Court of Appeal for the Fourth District issued an unpublished decision finding that the Board acted improperly by striking certain allegations in the University's notice of dismissal. The court found that the Board does not have legal authority to amend or alter a notice of disciplinary action issued by a California State University and so reversed the lower court's decision to deny Elliott's petition for writ of mandate. The court remanded the case back to the trial court with directions to grant the petition for writ of mandate, remanding the case to the Board for further proceedings on the unredacted notice of discipline.
- E. The Board received a request from CASE, the state attorneys' union, challenging a new contract between Department of Education and McGeorge School of Law for services relating to special education mediations and hearings.

4. NEW BUSINESS  
(Items may be raised by Board Members for scheduling and discussion at future meetings.)

No new business

5. REPORT ON LEGISLATION – Sherry Hicks

The Board was advised of the following:

- A. AB 2275 ( Dymally) - This bill would repeal those sections of the Government Code that are outdated with the enactment of Proposition 209. In addition, it clarifies the responsibilities of state agencies' EEO program.

- B. AB 2637( Diaz) -This bill would have enacted the "Reporting by California State University Employees of Improper Governmental Activities Act", which would set up procedures for investigation of whistleblower retaliation complaints filed by California State University employees with the State Personnel Board (SPB).
- C. SB 1342 (Speier/Romero) - Among other things, this bill would provide a mechanism for greater cooperation and less duplication of effort between the Office of Inspector General (OIG) and the SPB when those entities are conducting whistleblower retaliation investigations.
- D. SB 1431 (Speier) - This bill would require the Director of the Department of Corrections and the Director of the Youth Authority to: (1) provide for the development and implementation of a disciplinary matrix with offenses and associated punishments, that would apply to all employees of the respective department and would be consistent statewide; (2) adopt a code of conduct that clearly states an employee's responsibility to report employee misconduct and to cooperate in any law enforcement investigation; and (3) develop a program to ensure the protection of employees who have reported improper conduct and who need counseling and personal protection.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. DELIBERATIONS ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

The Board deliberated and voted on matters submitted at prior hearings; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by the administrative law judges of the State Personnel Board or by the Board itself. (See items 13 A, D, and E in the agenda and below.)[Government Code Sections 11126(d), and 18653.]

7. PENDING LITIGATION

As discussion of pending litigation in open session would be prejudicial, the Board conducted closed session conferences with legal counsel and received advice as necessary regarding pending litigation as listed in the agenda. [Government Code Sections 11126(e)(1) and 18653.]

8. RECOMMENDATIONS TO THE LEGISLATURE

The Board deliberated on recommendations to the Legislature as listed in the agenda. [Government Code Section 18653.]

9. RECOMMENDATIONS TO THE GOVERNOR

The Board deliberated on recommendations to the Governor as listed in the agenda. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10. DISCUSSION OF UPCOMING BOARD MEETING  
SCHEDULE OF AUGUST 12, 2004, SACRAMENTO,  
CALIFORNIA

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD  
SUMMARY MINUTES OF JUNE 29, 2004 & JULY 7, 2004  
ACTION: Adopted on July 20, 2004  
VOTE: Alvarado, Sheehan, Tom - Aye

12. ACTION ON SUBMITTED ITEMS  
(See Minutes Page 20)  
These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

13. EVIDENTIARY CASES  
The Board Administrative Law Judges conduct Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

On July 20, 2004, the Board adopted by majority vote (Alvarado, Sheehan and Tom), in the following decisions presented by Elizabeth Stein, Staff Counsel, State Personnel Board.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

ANDREW CIRNER, CASE NO. 03-2241EA

Appeal from denial of request for  
reasonable accommodation

Senior Psychiatric Technician

Department of Mental Health

NO ACTION

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination

Fish and Game Warden

Department of Fish and Game

NO ACTION

SHANNON FROEMING, CASE NO. 03-2871EA

Appeal from denial of request for reasonable  
accommodation

Employment Program Representative

Employment Development Department

NO ACTION

RONALD GALI, CASE NO. 03-0462A

Appeal from dismissal

Native American Spiritual leader

California State Prison – Folsom

Department of Corrections

NO ACTION

ELIZABETH HERRERA, CASE NO. 03-2220A

Appeal from medical termination

Administrative Support coordinator I

California State University – San Jose

NO ACTION

PAUL H. KEMP, Case No. 01-2841  
Appeal from dismissal  
Teacher Assistant - Youth Correctional  
Reception Center and Clinic - Sacramento  
Department of the Youth Authority  
NO ACTION

JENNIFER KILL, CASE NO. 02-2164B  
Appeal for determination of back salary,  
benefits and interest  
Supervising Cook  
California Correctional Institution - Tehachapi  
Department of Corrections  
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344  
Appeal from dismissal  
Correctional Officer  
Substance Abuse Treatment Facility – Corcoran  
Department of Corrections  
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848  
Appeal from dismissal  
Psychiatric Technician (Safety)  
Department of Mental Health  
NO ACTION

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299  
Appeal from five-percent reduction in  
salary for six months  
Special Agent  
Department of Corrections  
NO ACTION

ALICE VAN-THU, CASE NO. 03-0413  
Appeal from automatic resignation  
Administrative Support Coordinator I  
California State University – Monterey Bay  
NO ACTION

BEVERLY WILSON, CASE NO. 03-1150A  
Appeal from dismissal  
Administrative Support Assistant II  
California State University - Carson  
NO ACTION

B. CASES PENDING

- Oral Arguments  
These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

MARYLAND PAGE, CASE NO. 03-3703A  
Appeal from five-percent reduction  
in salary for twelve months  
Correctional Officer  
California State Prison – Blythe  
Department of Corrections  
NO ACTION

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands  
These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations  
These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions  
These are ALJ proposed decisions submitted to the Board for the first time.



SEPHIA ANDERSON, CASE NO. 03-0630  
Appeal from dismissal  
Office Assistant (Typing)  
Department of Industrial Relations at Oakland  
ACTION: Dismissal sustained.

KALPANA DADABHOY, CASE NO. 02-3423  
Appeal from rejection during probation  
Disability Evaluation Analyst  
Department of Social Services  
ACTION: Rejection during probation sustained.

YVETTE FIELDS, CASE NO. 04-0421  
Appeal from ten percent reduction in  
salary for ten months  
Correctional Officer  
California State Prison – Sacramento  
Department of Corrections  
ACTION: Ten-percent reduction in salary for ten  
months sustained.

PAUL FUENTES, CASE NO. 03-3122  
Appeal from two-step reduction in  
salary for 12 months  
Correctional Officer  
California Institution for Men - Chino  
Department of Corrections  
ACTION: Two-step reduction in salary for 12 months  
sustained.

BARBARA MARLER, CASE NO. 04-0654  
Appeal from non-punitive termination  
Correctional Officer  
California State Prison - Wasco  
Department of Corrections  
ACTION: Non-punitive termination sustained.

MARIO MORENO, CASE NO. 03-3772  
Appeal from dismissal  
Correctional Officer  
California State Prison - Calipatria  
Department of Corrections  
ACTION: Dismissal sustained.

ERIC PEACOCK, CASE NO. 02-4023

Appeal from five-percent reduction  
in salary for six months

Motor Vehicle Field Representative Range C

Department of Motor Vehicles

ACTION: Five-percent reduction in salary for six  
months modified to five-percent reduction in salary for  
four months.

- Proposed Decisions Taken Under Submission At  
Prior Meeting

These are ALJ proposed decisions taken under  
submission at a prior Board meeting, for lack of  
majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The  
Board

The Board will vote to grant or deny a petition  
for rehearing filed by one or both parties,  
regarding a case already decided by the  
Board.

RICHARD L. COLLINS, CASE NO. 02-2306P

Appeal from dismissal

Assistant Safety Engineer

Department of Industrial Relations

Petition for rehearing filed by appellant

granted. Case remanded to Administrative Law  
Judge.

TIMOTHY MAPP, CASE NO. 02-2155P  
Appeal from dismissal  
Correctional Officer  
Richard J. Donovan Correctional  
Facility - San Diego  
Department of Corrections  
Petition for rehearing filed by appellant  
denied.

MAI NGUYEN (aka MY WINN), CASE NO. 03-1360P  
Appeal from rejection during probationary period  
Disability Insurance Program Representative  
Employment Development Department  
Petition for rehearing filed by appellant  
denied.

KARMEN PERRY, CASE NO. 03-2107P  
Appeal from five-percent reduction  
salary for twelve months  
Correctional Officer  
Northern Transportation Unit - Tracy  
Department of Corrections  
Petition for rehearing filed by appellant  
denied.

RICHARD WISLER, CASE NO. 03-2827P  
Appeal from five-percent reduction in  
salary for ten months  
Transportation Engineering Technician  
Department of Transportation  
Petition for rehearing filed by appellant  
denied.

- Whistleblower Notice of Findings  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

RANDOLPH NOBLE, M.D., CASE NO. 03-0741P  
Appeal for whistleblower retaliation  
Medical Consultant (Enforcement)  
Medical Board of California  
Petition for rehearing filed by appellant  
denied.

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANN R. ABIERAS, CASE NO. 04-0531A  
Appeal from ten-percent reduction  
in salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services  
NO ACTION

DONALD ATKINS, CASE NO. 03-1448A  
Appeal from five-percent reduction  
in salary for six months  
Correctional Officer  
California State Prison, San Quentin  
Department of Corrections at San Quentin  
NO ACTION

NICHOLAS COMAITES, CASE NO. 03-0062A  
Appeal from official reprimand  
Correctional Counselor II  
Department of Corrections  
AND

PAUL WARD, CASE NO. 03-0332A  
Appeal from official reprimand  
Correctional Administrator  
Department of Corrections  
NO ACTION

EVELYN B. CORPUS, CASE NO. 04-0529A  
Appeal from ten-percent reduction in  
salary for twelve months  
Psychiatric Technician Assistant  
Department of Developmental Services  
NO ACTION

MICHELLE DAWKINS, CASE NO. 03-2755R  
Appeal from demotion  
Fiscal Services Supervisor to Typist Clerk III  
Human Services Agency, Merced County  
NO ACTION

DEBRA GREENE, CASE NO. 03-0621A  
Appeal from non-punitive termination  
Psychiatric Social Worker, Correctional Facility  
Department of Corrections  
NO ACTION

MARTIN HERNANDEZ, CASE NO. 02-4449A  
Appeal from demotion  
Correctional Sergeant  
Calipatria State Prison – Imperial  
Department of Corrections  
NO ACTION

MARY HUTTNER, CASE NO. 02-1690R  
Appeal from demotion  
Staff Services Manager I to the  
position of Associate Health Program  
Advisor (top step)  
Department of Health Services  
NO ACTION

CONNIE JAMES, CASE NO. 03-3136A  
Appeal from 15-working days'  
suspension  
Accounting Technician  
Employment Development Department  
NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620R  
Appeal from 30-calendar-days suspension  
Employment Program Representative  
Employment Development Department  
NO ACTION

HUGO LANDEROS, CASE NO. 03-3190A  
Appeal from dismissal  
Employment Program Representative  
Employment Development Department  
NO ACTION

JACQUELYN McCARVER, CASE NO. 03-0669A  
Appeal from demotion  
Correctional Sergeant  
Rainbow Conservation Center - Fallbrook  
Department of Corrections  
NO ACTION

LEIJANE OGAWA, CASE NO. 03-2943A  
Appeal from discrimination  
Office Assistant (General)  
Department of Transportation  
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703A  
Appeal from five-percent reduction in  
salary for twelve-months  
Correctional Officer  
Ironwood State Prison – Blythe  
Department of Corrections  
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325A  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison – Blythe  
Department of Corrections  
NO ACTION

KEVIN REDDINGTON, CASE NOS. 03-2646R &  
03-0386R  
Appeal from ten-percent reduction in salary  
For six pay periods, and dismissal  
Office Technician (Typing)  
Department of Forestry and Fire Protection  
NO ACTION

KIM RITTENHOUSE, CASE NOS. 03-3541A &  
03-3542A  
Appeal from denial of reasonable accommodation  
And from constructive medical termination  
Office Technician (General)  
Department of Fish and Game  
NO ACTION

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-2966A  
Appeal from denial of request for reasonable accommodation  
Correctional Sergeant  
Central California Women's Facility – Chowchilla  
Department of Corrections  
NO ACTION

DENNIS UYEDA, CASE NO. 03-2396A  
Appeal from five-working-days suspension  
Latent Print Analyst II  
Department of Justice  
NO ACTION

NANCY VALENTINO, Case No. 03-0699R  
Appeal from dismissal  
Psychiatric Technician  
Department of Developmental Services  
NO ACTION

GARY WHALEY, CASE NO. 03-1420A  
Appeal from discrimination  
Employment Program Representative  
Employment Development Department  
NO ACTION

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION (See Minutes Pages 22-23)

15. NON-EVIDENTIARY CASES  
On July 20, 2004, the Board adopted by majority vote (Alvarado, Sheehan and Tom) the following decisions presented by Laura Aguilera, Interim Director, State Personnel Board.

A. WITHHOLD APPEALS

ARLEND BONSEY, CASE NO. 03-0857  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

TERRY BRAY, CASE NO. 03-1505  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

JOHN BUXIE, CASE NO. 03-2342  
**Classification:** California Highway Patrol Cadet  
**Department:** California Highway Patrol  
**ACTION:** DENIED

GREGORY CUSHANICK, CASE NO. 03-0943  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

SHAHADAT HUSSAIN, CASE NO. 03-1730  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

OGBONNAYA IKORO, CASE NO. 03-1741  
**Classification:** Tax Technician, FTB  
**Department:** Franchise Tax Board  
**ACTION:** DENIED

BRYAN LUCKETTA, CASE NO. 03-1830  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

GERALD PALONE, CASE NO. 03-2967  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED

SCOTT TOMLIN, CASE NO. 03-1665  
**Classification:** Cadet, CHP  
**Department:** California Highway Patrol  
**ACTION:** DENIED

DMITRI VASSILIEV, CASE NO. 03-2411  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION:** DENIED



- B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS - NONE
  - C. EXAMINATION APPEALS - NONE  
MINIMUM QUALIFICATIONS - NONE  
MERIT ISSUE COMPLAINTS - NONE
  - D. RULE 212 OUT-OF-CLASS APPEALS - NONE  
VOIDED APPOINTMENT APPEALS - NONE  
RULE 211 APPEALS - NONE
  - E. REQUEST TO FILE CHARGES CASES - NONE  
PETITIONS FOR REHEARING CASES - NONE  
Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.
  - F. PSYCHOLOGICAL SCREENING CASES - NONE  
Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.
16. NON-HEARING CALENDAR  
The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.
- A. FISH AND GAME WARDEN SERIES  
The Department of Fish and Game (DFG) is proposing the following revisions to the Fish and Game Warden series specification: the class titles are being revised for consistency; revisions to the class specification to incorporate and update new laws regarding domestic violence and prior use of hard drugs by the applicant; revise the Minimum Qualifications to add a pattern whereby current peace officers can enter the class and obtain the necessary training to perform the duties of a law enforcement officer; abolishing the classes of

Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat.

ACTION: Retracted from agenda by State Personnel Board staff. Not for Board consideration.

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

A. JANITOR CLASSIFICATIONS

The Department of Personnel Administration proposed to re-title and make minor revisions to the State Janitor classifications as follows: Janitor to Custodian; Janitor Supervisor I to Lead Custodian; Janitor (Correctional Facility) to Custodian (Correctional Facility); Janitor Limited Service to Custodian Limited Service; Janitor Supervisor I (Correctional Facility) to Lead Custodian (Correctional Facility); Janitor Supervisor III (Correctional Facility) to Custodian Supervisor III (Correctional Facility); Janitor Supervisor III to Custodian Supervisor III; Janitor Supervisor II to Custodian Supervisor II; Janitor Supervisor II (Correctional Facility) to Custodian Supervisor II (Correctional Facility); Service Assistant (Janitor) to Service Assistant (Custodian).

ACTION: Noted

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DEPUTY DIRECTOR, STATEWIDE AUTOMATED WELFARE SYSTEMS

The Health and Human Services Agency Data Center proposes to allocate the above position to the CEA category. The Deputy Director, Statewide Automated Welfare Systems plays a significant role in the development of policy governing the automation of public assistance programs in California.

(2) DEPUTY DIRECTOR, CHILD WELFARE SERVICES/CASE MANAGEMENT SYSTEM PROJECT

The Health and Human Services Agency Data Center proposes to allocate the above position to the CEA category. The Deputy Director, Child Welfare Services/Case Management System Project provides leadership and establishes policies and procedures for the Child Welfare Services/Case Management System (CSW/CMS) project.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) ASSISTANT DIRECTOR, CHILD SUPPORT SERVICES DIVISION

The Department of Child Support Service's request to allocate the above position has been approved effective June 18, 2004.

ACTION: Noted

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 20, 2004.

VOTE: Alvarado, Sheehan and Tom – Aye.

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LAURA AGUILERA  
Interim Executive Officer  
California State Personnel Board